

road if one looks to those decisions that are now on the horizons as the governing law, a body of people may petition, have an election and then negate that bond. We heard testimony in the Urban Affairs Committee that this was a, if not substantial at this point, at least a portending defect or flaw in the financial responsibility of cities and, therefore, bonding houses would think twice, would perhaps raise rates or perhaps not offer to purchase municipal bonds unless some guarantees were made, that certain kinds of ordinances were beyond the purview of an initiative or referendum that could be utilized at any time as a collateral attack on that kind of a project. LB 434 specifically then, indicates that the referendum exemptions that I read to you, those four exemptions, apply to initiative actions and that you may not by initiative as we now have by law by referendum, attack emergency ordinances, ordinances of furtherance, ordinance of capital projects or ordinance of rate setting and that is the purpose behind LB 434. It was passed to the floor without dissenting vote by the Urban Affairs Committee. I move for its advancement to E & R and eventually to Select File.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Thank you, Mr. Speaker and members, I would like to ask Senator Landis a question if he would yield please. Senator Landis, as I understand this, this is taking the right of the people, if you will, away from them to stop what some of their elected representatives have, in fact, done. Would that be a correct statement?

SENATOR LANDIS: Actually, no. That would be a simplification of what is happening. We have never had up until the Boyer vs. Grady decision, the idea that the initiative could be utilized to take something off the books. We have always had the idea that the referendum was for the idea of taking something off the books and the referendum has always had limitations on its application. So, we are responding to a recent decision and some of the lower court decisions to that which indicate that the initiative may be utilized to take something off the books and that has never been granted by the Legislature. That is actually a judicial decision. So, with that caveat I guess I would say that we are narrowing the scope of initiative but we are not narrowing the scope of something that at one time this Legislature meant to do and gave away and created as a right to the people.

SENATOR VICKERS: Okay, thank you. Now, does this apply or how does this work on a state? Can an initiative petition route be used to stop something that we the Legislature have